

Article - Public Safety

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§5–207.

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the transfer by a private party of a rifle or shotgun, and the State preempts the right of any local jurisdiction to regulate the transfer of a rifle or shotgun.

(b) In this section, “loan” includes a temporary gratuitous exchange of a rifle or shotgun.

(c) A licensee or any other person may not sell, rent, transfer, or loan a rifle or shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person knows or has reasonable cause to believe:

(1) has been convicted of a disqualifying crime, as defined in § 5–101 of this title;

(2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(3) is a fugitive from justice;

(4) is a habitual drunkard as defined in § 5–101 of this title;

(5) is addicted to a controlled dangerous substance or is a habitual user as defined in § 5–101 of this title;

(6) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article, and has a history of violent behavior against the purchaser, lessee, transferee, recipient, or another, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(7) has been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(8) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article, unless the purchaser, lessee, transferee, or recipient has

received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(10) has been involuntarily committed for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(11) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(12) is a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(ii) an order for protection, as defined in § 4–508.1 of the Family Law Article, has been issued by a court of another state or Native American tribe and is in effect;

(13) if under the age of 30 years at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;

(14) is visibly under the influence of alcohol or drugs;

(15) is a participant in a straw purchase; or

(16) intends to use the rifle or shotgun to:

(i) commit a crime; or

(ii) cause harm to the purchaser, lessee, transferee, or recipient or another person.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

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